Entered - 08-07-01 - sb **CL 01L0503** - GWENDOLYN BURNS

CLAIM OF:

SHARON G. CLARKE

706 Marne Lane Houston, Texas 77090

01- ≥-1397

For property damages alleged to have been sustained when a vehicle drove over a displaced manhole cover in the roadway on July 27, 2001 at 301 10th Street, NW.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to SHARON G. CLARKE the sum of \$1,875.62 in full settlement and satisfaction of all claims, past, present and future, of every kind and character for property damages alleged to have been sustained when a vehicle drove over a displaced manhole cover in the roadway on July 27, 2001 at 301 10th Street, NW as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD CITY ATTORNEY

ADOPTED BY SEP 1 7 2001 COUNCIL

BY: COOLING RUBENT NEWELL DEPUTY CITY ATTORNEY

Standing committees
AGENDA

APPROVED

SEP 2 6 2001

WITHOUT SIGNATURE BY OPERATION OF LAW

SEP 1 7 2001

ATLANTA CITY GOUNGIL PRESIDENT

SEP 1 7 2001

AVORABLE REPORT

COMM: Public Safety

CHARD Cati Martin

CWA 1

CEPUTY MUNICIPAL CLERK

MUNICIPAL CLERK ATLANTA, GEORGIA

01-R-1397

A RESOLUTION

BY: PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to SHARON G. CLARKE the sum of \$1,875.62 in full settlement and satisfaction of all claims, past, present and future, of every kind and character for property damages alleged to have been sustained when a vehicle drove over a displaced manhole cover in the roadway on July 27, 2001 at 301 10th Street, NW as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

ADOPTED by the Council Municipal Clerk, CMC

ADDITED By the Council

RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

SEP 17, 2001

SEP 26, 2001

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

| Claim No. 01L0503 | Date: <u>August 24, 2001</u> | | | | | | | | |
|---|---|--|--|--|--|--|--|--|--|
| | | | | | | | | | |
| Claimant Wistin SHADON C. CLADKE | | | | | | | | | |
| Claimant / Victim SHARON G. CLARKE | | | | | | | | | |
| BY: (Atty) (Ins. Co.) Address: 706 Marne Lane, Houston, Texas 77090 | | | | | | | | | |
| Subrogation: Claim for Property demand © 1 975 62 | | | | | | | | | |
| Subrogation: Claim for Property damage \$ _1,875.62 | | | | | | | | | |
| Conforms to Notice: 0 C G A \$26.22.5 Method: Written, Proper X Improper V | | | | | | | | | |
| Date of Occurrence 7/27/01 D1 | A Afte Litem (6 Mo.) X | | | | | | | | |
| Department PUBLIC WORKS Division Seven Operations | | | | | | | | | |
| Employee involved Division Sewer Operations Employee involved Disciplinary Action: | | | | | | | | | |
| Employee involved | Disciplinary Action: | | | | | | | | |
| | | | | | | | | | |
| NATURE OF CLAIM: Claimant's vehicle sustai | ined damage when it struck a displaced manhole cover in the | | | | | | | | |
| roadway An investigation determined that the city is | was on notice of said condition but failed to correct it. | | | | | | | | |
| roadway. The historigation determined that the city | was on notice of said condition but failed to coffeet it. | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| INVESTIGATION: | | | | | | | | | |
| | | | | | | | | | |
| Statements: City employee Claimant | Others Written Oral | | | | | | | | |
| Pictures Diagrams Reports: Poli | lice X Dept Report Other | | | | | | | | |
| Traffic citations issued: City Driver | Claimant Driver | | | | | | | | |
| Citation disposition: City Driver | Claimant Driver | | | | | | | | |
| • | | | | | | | | | |
| BASIS OF RECOMMENDATION: | | | | | | | | | |
| | | | | | | | | | |
| Function: Governmental | Ministerial X Other Damages reasonable | | | | | | | | |
| Improper Notice More than Six Months _ | Other Damages reasonable | | | | | | | | |
| City not involved Offer reje | ected Compromise settlement | | | | | | | | |
| Repair/replacement by Ins. Co. | Repair/replacement by City Forces | | | | | | | | |
| Claimant Negligent City Negligent | Repair/replacement by City Forces X Joint Claim Abandoned | | | | | | | | |
| | | | | | | | | | |
| | Respectfully submitted, | | | | | | | | |
| | | | | | | | | | |
| | $W \leftarrow V$ | | | | | | | | |
| | Mandala Ba - | | | | | | | | |
| | July month of | | | | | | | | |
| | / INVESTIGATOR - GWENDOLYN BURNS | | | | | | | | |
| | | | | | | | | | |
| RECOMMENDATION; | | | | | | | | | |
| D C 1 075 (2) | A | | | | | | | | |
| Pay \$ 1.875.62 Adverse | Account charged: 1A01 2J01 X 2H01 | | | | | | | | |
| Claims Manager: | Concur/date 8-28-01 | | | | | | | | |
| Committee Action: | Council Action | | | | | | | | |
| FORM 23-61 | | | | | | | | | |

Atlanta City Council

Regular Session

MULTIPLE
DI -R -1397

Claim Items 1 through 19

ADOPT

YEAS: 12 NAYS: 0

ABSTENTIONS:

ABSTENTIONS: U
NOT VOTING: 3

I VOIING:

EXCUSED: 1

ABSENT 0

| Y | McCarty | Y | Dorsey | Y | Moore | Y | Thomas |
|---|---------|----|---------|---|---------|----|-----------|
| Y | Starnes | NV | Woolard | Y | Martin | Y | Emmons |
| Y | Bond | Y | Morris | E | Maddox | NV | Alexander |
| Y | Winslow | Y | Muller | Y | Boazman | NV | Pitts |